

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**TRAVIS CONNER**

**PETITIONER**

**VS.**

**CIVIL ACTION NO. 3:17-cv-860-WHB-JCG**

**BILLY SOLLIE**

**RESPONDENT**

**OPINION AND ORDER**

This cause is before the Court on the Report and Recommendation ("R and R") of United States Magistrate Judge John C. Gargiulo. After considering the R and R<sup>1</sup>, the other pleadings in this case, as well as relevant authorities, the Court finds the R and R should be adopted in its entirety.

**I. Discussion**

On October 27, 2017, Travis Conner ("Conner"), who is a pre-trial detainee at the Lauderdale County Detention Center ("LCDC"), filed a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 in this Court.<sup>2</sup> In his Petition, Conner challenges his pretrial detention that follows his arrest on charges of murder, attempted murder, and attempted armed robbery. As relief, Conner requests that all pending state law charges against him be dismissed

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<sup>1</sup> The parties were required to file objections to the R and R on or before July 30, 2018. No objections were filed.

<sup>2</sup> As Conner is proceeding pro se, the allegations in his pleadings have been liberally construed. See United States v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994).

"immediately". In response, Billy Sollie ("Sollie"), moved for dismissal of the Petition on the grounds that it failed to state a claim upon which relief could be granted and/or that Conner had failed to exhaust his administrative remedies.

On July 10, 2018, United States Magistrate Judge John C. Gargiulo entered a Report and Recommendation ("R and R") recommending that Sollie's Motion to Dismiss be granted because the Court could not grant the relief requested by Conner in his Petition. See R and R [Docket No. 18], 3-4 (explaining that the Court could not order the dismissal of all pending state law charges against Conner because it has no authority to derail pending state court proceedings). Judge Gargiulo's conclusion of law is correct. See e.g. Brown v. Estelle, 530 F.3d 1280, 1283 (5th Cir. 1976) (explaining that relief in the form of dismissing a state court indictment or preventing the prosecution of state criminal charges is generally not obtainable through federal habeas corpus).

The Court has reviewed the R and R, to which no objections were filed, as well as the other pleadings in this case. After review, the Court agrees that Conner's Petition should be dismissed for the reasons stated by Judge Gargiulo. Accordingly, the Court will adopt Judge Gargiulo's R and R recommending the granting of Sollie's Motion to Dismiss, and the dismissal of this case.

For the foregoing reasons:

IT IS THEREFORE ORDERED that the July 10, 2018, Report and Recommendation of United States Magistrate Judge John C. Gargiulo [Docket No. 18], is hereby adopted as the ruling of this Court.

IT IS FURTHER ORDERED that the Motion of Respondent to Dismiss [Docket No. 13] is hereby granted.

A Final Judgment dismissing this case shall be entered this day.

SO ORDERED this the 9th day of August, 2018.

s/ William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE